

Staff Report

2023-201 - Fire and Emergency Services Department



To: Chair Koetsier and Committee of the Whole
From: Joshua Bondar, Municipal Law Enforcement Officer
Albert Chan, Municipal Law Enforcement Officer
Date: November 13, 2023
Subject: Short Term Rental Registration Update

Report Highlights

- Staff hosted two town hall meetings and a virtual meeting to gather feedback on the Short-Term Rental By-law. The valuable feedback received was used to make modifications to the draft By-law.
- To aid in identifying short-term rentals and collecting essential data, the Township has acquired the services of Granicus, a software data collection service.
- A final draft by-law has been created by staff for the review of Committee of the Whole before bringing a draft by-law to December Council.
- Fees for each short-term rental have been calculated based on yearly usage and the implementation of a sustainability plan.
- To ensure compliance by both hosts and renters, AMPs fines have been structured to increase for each offence.

Recommendation

WHEREAS Council approved staff to commence public education and outreach on short-term rentals (STR) in June 2023, and incorporate any useable feedback received into a final policy and by-law; and

WHEREAS Council approved staff to enter into a single source agreement as soon as possible with Granicus in the amount no higher than \$15,000 for the first year of operation to be funded from the working fund reserve; and

WHEREAS Council approved the ability to convert a seasonal by-law enforcement officer to a year-round position within the By-law Department, per staff's February report, to assist with the implementation, promotion, education, administration and enforcement of this new policy, by-law and associated guide, forms and documents, as well as the implementation and administration of the Administrative Monetary Penalty System (AMPS), Township wide;

BE IT RESOLVED THAT Committee of the Whole provide the following comments:

- _____

THAT Committee of the Whole direct staff to bring a finalized Short-Term Rental By-law to Council in December 2023.

Background

On February 13th, 2023, a report was brought forward to Council with regards to a registry being formed for short-term rentals. The resolution from the February Council meeting directed staff to move forward with the creation of a by-law to begin the registration of short-term rentals in the Township of Georgian Bay.

Following this, Township staff worked to collect information for Council on the topic of short-term rentals, and a report was brought forward on May 8th, 2023, which provided Council with an update on the software data collection service, named Granicus, as well as an introduction of how the registration will occur and timeframes for moving forward. To summarize, Council passed a resolution from this report for:

- The commencement of public education and using feedback to bring a final registration by-law to Council.
- Staff to begin with pre-compliance registration in 2023 and paid registration in January 2024.
- Staff to enter into an agreement with Granicus, no higher than \$15,000, for the first year of operation.
- Convert seasonal by-law enforcement officer to a year-round position to assist in short term rentals and Administrative Monetary Penalty System.

On September 9th, 2023, Township staff organized a short-term rental host presentation in Port Severn, MacTier and virtually. The presentation aimed to outline the Township's objectives and provide clarity on the registration process for short-term rentals. Throughout the day and following, Township staff received valuable feedback and comments from attendees. These comments have been carefully considered by staff as they progressed towards drafting a by-law.

Analysis and Options

The PDF presentation attached to this report will be presented in front of council and provides a breakdown of the process for implementing Short-Term Rentals and an overview of the draft by-law which is also attached to this report.

Financial Considerations

As the Township looks to register all short-term rentals in the municipality, an annual fee will be attached to each registration which will be added to the Fees & Charges By-law. There are four different fees that will apply to specific short-term rentals:

- Light rental host (20 days or less) - \$250 per year
- Light rental host (20 days or less) with an approved sustainability plan - \$225 per year
- Regular rental host (21 days or more) - \$1000 per year
- Regular rental host (21 days or more) with an approved sustainability plan - \$900 per year

With Township staff working towards gaining compliance from all short-term rentals, enforcement efforts will also increase the ability to achieve this compliance from both the host and renter in specific cases. The Administrative Monetary Penalty System will allow staff to have an incremental fine system for short-term rentals to escalate enforcement for repeat offenders.

- 1st offence - \$500
- 2nd offence - \$1000
- 3rd offence and beyond - \$1500

Due to the major scope of this implementation, the Township has also entered into an agreement with Granicus which will provide address identification, compliance monitoring, rental activity monitoring, and mobile permitting/registration with an annual fee of \$13,995.46. The Township was given a prorated fee in 2023 as a full year was not obtained.

Conclusion

Township of Georgian Bay staff have worked diligently to research and curate a by-law based on Council's direction. Staff have actively listened to public input and ensured that all concerns were heard, while also ensuring the effectiveness of the Short-Term Rental By-law for the Township.

Report Supported By

This recommendation report is in alignment with the following strategic pillars:

- Environmental Protection
- Fiscal Responsibilities and Technology Efficiencies
- Streamline Planning Policies and Procedures
- Customer Experience and Community Engagement
- District and Township Relationship
- Engage with Indigenous Communities

Relevant Background Report

[Administration Department Report 2023-014 \(February 13, 2023\)](#)

[Fire and Emergency Services Department Report 2023-063 \(May 8th, 2023\)](#)

Reviewed By/Collaborated With:

- Chief Administrative Officer
- Chief Building Official
- Director of Corporate Services / Clerk

- Director of Finance / Treasurer
- Director of Fire and Emergency Services / Fire Chief
- Manager of Human Resources
- Director of Operations
- Director of Planning
- Director of Sustainability
- Other

Attachments

- [Short-Term Rental Draft By-law](#)
- [Short-Term Rental Analysis Presentation](#)

Reviewed By

Karen Way, Director of Corporate Services / Clerk
Greg Mariotti, Chief Administrative Officer

Status:

Approved - 01 Nov 2023
Approved - 30 Oct 2023

**THE CORPORATION OF
THE TOWNSHIP OF GEORGIAN BAY**

BY-LAW 2023-XXX

Being a By-law to register, regulate and govern
Short-Term Rentals ("STR") in the Township of
Georgian Bay

(Short-Term Rentals)

WHEREAS the Council of the Township of Georgian Bay may, pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25. as amended, ("*The Municipal Act*"), enact by-laws for the Registration regulation and governing of businesses and occupations in the Township of Georgian Bay; and

WHEREAS pursuant to Section 9 of the *Municipal Act* Part II, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS pursuant to Section 10 of the *Municipal Act*, a municipality has the authority to implement business licencing in the interest of health and safety, well-being of Persons, consumer protection and nuisance control; and

WHEREAS Sections 390 to 400 of the *Municipal Act* enables a municipality to pass By-laws for imposing Fees or charges to permits and services provided or done by them; and

WHEREAS pursuant to Section 434.1 of the *Municipal Act*, a municipality has the authority to impose a system of administrative penalties and Fees as an additional means of encouraging compliance with this By-law; and

WHEREAS Section 436 of the *Municipal Act* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order, or register; and

WHEREAS Section 444 of the *Municipal Act* provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may

make an order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and

WHEREAS the Council of the Corporation of the Township of Georgian Bay deems it desirable that such registration, regulation, and governing takes place regarding Short-Term Rentals as defined in this By-law; and

WHEREAS, Council has enacted By-law Amendments 2021-076 and 2021-077 under the provisions of the Planning Act, R.S.O. 1990, c. P13, as amended, with respect to Short-term Rentals within the municipality and having done so desires to provide for a system of registration to implement said provisions; and

WHEREAS pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of registering, regulating, and governing with respect to Short-term Rentals;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purpose of this By-law:

- 1.1. **Administrative Penalty** refers to a financial penalty, commonly referred under an Administrative Monetary Penalty System (AMPS), authorized under section 434.1 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, issued to Person, Owner, Agent or Licensee who has contravened or failed to comply with any provision of a municipal by-law;
- 1.2. **Agent** means a Person duly appointed by an Owner or the Township to act on their behalf;
- 1.3. **Applicant** means the Person applying for a Registration or renewal of a registration under this By-law;
- 1.4. **Building** means any enclosed structure on land or in water used or intended to be used for shelter or the occupation of Persons, animals, chattels, goods, materials or equipment, other than a fence or wall.

- 1.5. **By-law Enforcement Officer** means a municipal law enforcement Officer of the Corporation of the Township of Georgian Bay who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws.
- 1.6. **Commercial activities**, for the purposes of this By-law, means activities being hosted at subject property that involve costs or monies for services provided (Examples: weddings, receptions, retirement party, music event, etc.).
- 1.7. **Corporation** means a body incorporated pursuant to the *Business Corporations Act*, R.S.O. 1990 c. B. 16, or the *Corporations Act*, R.S.O. 1990, c. C. 38;
- 1.8. **Dwelling Unit** means a suite of habitable rooms located within a Building and operated as a household unit, used, or intended to be used exclusively as a domicile by one or more Persons that contains cooking, dining, living, sleeping and sanitary facilities exclusively for the use of the occupants. A Dwelling unit is not an accommodation unit or a housekeeping unit. This will also apply to floating vessels who are moored in the Township of Georgian Bay or along its waterways.
- 1.9. **Dwelling** means a residential Building designed for occupancy by one or more Persons, containing no more than one Dwelling unit as its principal use, and may also include a tourist establishment, a mobile home with or without a foundation, sleeping cabin, motor home, vehicle, boat, or a trailer.
- 1.10. **Fee** means a Fee payable under this By-law or the Fees & Charges By-law, which may be amended from time to time, and is not prorated.
- 1.11. **Guest Log** means a document, provided on the Township website, to be printed by the owner and updated in full for every new renter and will be required to be provided for validation upon inspection.
- 1.12. **Guest Room** means a room, within a Dwelling, offered for Short-term Rental intended primarily for overnight occupation, which conforms to the standards for a bedroom, as set forth by the Ontario Building Code;

- 1.13. **Light Rental Host** means a Register who is operating a Short-Term Rental for 20 or less days in a calendar year.
- 1.14. **Officer** means a Police Officer, Fire Inspector, Building Inspector, Planner, Municipal Law or Enforcement Officer;
- 1.15. **Owner** means the Person holding title to the Property on which the Short-term Rental is located, and "Ownership" has a corresponding meaning;
- 1.16. **Parking Area** means the use of an area of land, Building or structure for the parking of motor vehicles associated with a principal use on the same lot. A parking area may include related aisles, parking spaces, and ingress and egress lanes, but does not include any part of a road.
- 1.17. **Person** means an individual, a Corporation, a partnership, or an association, and includes a Licensee or an Applicant for a Licence under this By-law as the context requires;
- 1.18. **Premises** means the Property upon which a Short-term Rental is operated, inclusive of Buildings or structures or any part thereof used for such purpose;
- 1.19. **Property** means the land upon which a Short-term Rental is operated, exclusive of Buildings or structures or any part thereof;
- 1.20. **Registration** means the Registration issued under this By-law as proof of Registration under this By-law;
- 1.21. **Registered** means to have in one's possession a valid and current registration issued under this By-law and unregistered has the contrary meaning;
- 1.22. **Register** means a Person who holds registration or is required to hold a registration under this By-law;
- 1.23. **Register Issuer** means any Person or Persons provided the authority by the Township to issue a register under this By-law.
- 1.24. **Regular Rental Host** means a Register who is operating a Short-Term Rental for 20 or more days in a calendar year.
- 1.25. **Renter** means the Person Responsible for the rental of the

Premises by way of concession, permit, lease, Registration, rental agreement or similar commercial arrangement;

- 1.26. **Renter's Code of Conduct** as set forth in Schedule 'A', and may be amended from time to time, means a document that has been prepared by the Township that prescribes the roles and responsibilities of the Renter, including but not limited to: behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Town by-laws, and adherence to the provisions of this By-law;
- 1.27. **Responsible Person** means the Owner (must be 18 years of age or older) or Agent assigned by the Owner or Register of the Short-term Rental Dwelling to ensure the Short-term Rental Dwelling is operated in accordance with the provisions of this By-law, the Registration and applicable laws;
- 1.28. **Set fine** refers to a financial penalty issued to Person, Owner, Agent or Register who has contravened or failed to comply with any provision of a municipal by-law;
- 1.26. **Short-Term Rental** means a primary Dwelling or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, Registration, rental agreement or similar arrangement for thirty (30) consecutive calendar days or less. Short-term Rental uses shall not mean or include a bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, motel, resort, boat, vessel or similar commercial or institutional use, Comprehensive Zoning By-law 2014-75, as amended; or any successor, as amended.
- 1.27. **Township** means the Corporation of the Township of Georgian Bay in the District of Muskoka.

2. APPLICATIONS

- 2.1. The requirements of this By-law apply to the business or occupation of providing Short-Term Rentals within the geographic limits of the Township of Georgian Bay;
- 2.2. Persons who own, operate, Registered or offer a Premises for Short-Term accommodation as of the effective date of this By-law, must file an application for a Registration under this By-law.

- 2.3. The determination of whether a registered application is “complete” in accordance with this By-law shall be within the discretion of the Registration Issuer, or as a result of a review from an appeal received by the Township.
- 2.4. For greater certainty, the requirements of this By-law will not apply to a motel, bed and breakfast establishment, institutional tourist establishment, tourist establishment, tourist camping establishment, resort, boat or vessel or similar commercial or institutional use as defined under the Zoning By-law.

3. GENERAL PROVISIONS

- 3.1. Short-term Rental Dwellings shall comply with all applicable Municipal By-laws and provincial legislation.
- 3.2. The maximum number of Persons, including but not limited to residents, renters and their guests, permitted on a Premises, at any one time, shall be restricted to 2 Persons per Guest Room above the age of 2 as stated in an approved registration.
- 3.3. The provision of parking on the site plan referenced shall include the following:
 - a) a minimum of one parking space per Guest Room;
 - b) parking space sizes of 3 metres by 6 metres; and
 - c) compliance with all other parking provisions as set forth in the applicable Zoning By-law.
- 3.4. All vehicles shall only be permitted in a parking area consisting of a hard- surfaced driveway (gravel, paved, concrete, interlock, or similar hard surface).
- 3.5. The following shall be posted on the interior of each STR Premises, visible to guests and made available for inspection:
 - a) Copy of current STR Registration
 - b) Premises address (and phone number if applicable)

- c) Guest Log, which can be found on the Township website and printed.
 - d) Type of access to the STR Premises, where one of the following must be checked:
 - a. Year-round maintained public road
 - b. Seasonally maintained road
 - c. Private road / Right-of-way
 - d. Water access
 - e) If the type of access to the Short-Term Rental Premises is NOT a year-round maintained public road, the following Emergency Services Statement will be posted within the address: "Due to this STR Premises not accessible by a year-round maintained public road, emergency response times may be delayed to this location."
 - f) Owner name and contact information
 - g) Responsible Person for Emergency and By-law concerns (if different to details contained in section (e)).
 - h) Copy of approved Site Plan, Floor Plan, Parking Plan, Waste Storage Location, and Sustainability Plan.
 - i) A copy of the Renters Code of Conduct, to be signed by each renter upon arrival.
 - j) QR code, provided on Township Short-Term Rental webpage, which will navigate renter to Township website of frequently requested by-laws
- 3.6. All Short-term Rental Dwellings must provide a class ABC fire extinguisher in any cooking area and a class BC or better on each floor of the establishment.
- 3.7. An Owner or Owner's Agent (Responsible Person) will respond within sixty (60) minutes to an emergency or contravention of any Township By-law.
- 3.8. The provisions of this By-law shall not apply when the Short-term Rental is not rented or if rented for 30 days or more consecutively.

4. REGISTRATION REQUIREMENTS

- 4.1. Every application for a new registration, or the renewal of an existing registration, shall include:
- a) A completed application, in the form required by the Township, which shall include each Owner, Applicant and/or Agent's name, address, telephone number, and email address;
 - b) Proof of Ownership for the Premises;
 - c) Proof that the Applicant is at least eighteen (18) years of age or older, if the Applicant is an individual;
 - d) Name and contact information of the Owner or Owner's Agent (Responsible Person) who can be readily contacted within sixty (60) minutes and respond to an emergency or contravention of any Township By-law.
 - e) Proof of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage and bodily injury and identifies that a Short-Term Rental is being operated on the Premise;
 - f) proof that the Applicant, if a Corporation, is legally entitled to conduct business in Ontario, including but not limited to:
 - i. an article of incorporation or other incorporating documents, duly certified by the proper government official or department of the Province of Ontario or the Government of Canada; and
 - ii. a list containing the names of all shareholders of the Corporation;
 - iii. in the case of an Applicant being a partnership, the names and addresses of each member of the partnership as well as the name under which the partnership intends to carry on business;
 - iv. in the case of an Applicant or Agent acting on behalf of the Owner, an Owner's written authorization;
 - g) Provide information related to occupancy and potential sewage load and details of sewage system to confirm

capacity. As well as record of system pump-outs and maintenance and demonstrate septic tank has been pumped out and inspected in the last 3 years as part of application to the Township.

- h) A site plan of the location of all Buildings and structures on the Premises;
- i) Floor plans drawn to scale and fully dimensioned of the Short-Term Rental depicting each room and its intended use;
- j) Parking Management Plan (refer to section 3.3);
- k) Waste storage location;
- l) Sustainability plan regarding reduction of energy and food waste and identified efforts to reduce their carbon footprint will result in the reduction of registration fee indicated in the Fees & Charges By-law. The following are examples of an what an appropriate sustainability plan should include:
 - i. Reduce carbon footprint
 - ii. Planting trees/pollinator gardens
 - iii. Managing food waste
 - iv. Reduce energy consumption
 - v. Unlock thermostat
 - vi. Improve insulation/windows/doors
 - vii. Promote local culture
 - viii. Purchase local
 - ix. Support Indigenous knowledge

4.2. Payment of the applicable Fees referred to in the Fees & Charges By-law, which may be amended from time to time.

4.3. A Short-term Rental Registration that has been issued pursuant to this By-law shall expire upon the earliest of the following events:

- a) The date that is one (1) year after date of the issuance of the Registration; or
- b) Upon the sale of an STR Premises to a Person other than a Registrant.
- c) Upon the transfer of an STR Registration to another party.

- 4.4. The Registrant shall be Responsible for informing the Township in writing of any changes to the approved information contained within the Registration application or any deviation to the approved plans within (7) days of such change or deviation. Nothing herein allows a Registrant to rent rooms other than those identified and approved on the application for registration unless the Township has approved same.

5. ADMINISTRATION AND ENFORCEMENT

- 5.1. The Council of the Township of Georgian Bay shall appoint an Officer(s) Responsible for the administration and enforcement of this By-law.
- 5.2. The Register Issuer shall be Responsible for the administration of this By-law;
- 5.3. Officers shall be Responsible for the enforcement of this By-law;

6. REGISTRATION – APPLICATION & ISSUANCE

- 6.1. Upon receipt of an application for Registration, a Registrant Issuer shall perform the following functions:
- a) receive and review the application as per any provision of this By-law;
 - b) receive and review any documents attached to the application; and
- 6.2. Upon determination by the Registrant Issuer that information requirements and all regulatory and by-law requirements of the Township are met, registration shall be issued and remain valid for one (1) year, unless revoked.
- 6.3. The Registrant Issuer shall have the authority to impose additional terms and conditions on a registration.
- 6.4. Registration issued pursuant to the provisions of this By-law shall expire one (1) year from the date it was issued unless it is revoked in accordance with any provisions of this By-law.

7. REGISTRATION – SUSPENSION & REVOCATION

- 7.1. The Registrant Issuer shall have the authority to refuse to issue or renew registration, to revoke or suspend a Registration, or where:
- a) there are reasonable grounds for belief that the operation of a Short-term Rental at a specific Premises may be averse to the public interest;
 - b) the Premises has had a Registration that has been previously revoked, suspended, or made subject to terms and conditions;
 - c) the Applicant has had a Registration that has been previously revoked, suspended, or made subject to terms and conditions;
 - d) a Premises or Applicant applying for a Registration has presented a history of contravention with this By-law, or other Township by-laws;
 - e) the Renter's Code of Conduct has been violated at this Premises with known knowledge of the host;
 - f) the septic requirements are not met in accordance with the approval attained at the time of the installation;
 - g) the Owner is indebted to the Township in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding Property taxes and late payment charges, against an Owner's Property, unless any of these fees were imposed directly to the renter;
 - h) the Property to be used for carrying on the trade, business or occupation does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.
- 7.2. Notwithstanding section 7.1 of this By-law, the Registrant Issuer may issue registration where a variance to this By-law has been

approved. Council, upon application of the Owner of a Premises permitting a Short-term Rental, may authorize such variance from the provisions of this By-law, in respect of the Owner's Premises as in its opinion is desirable for the appropriate use of the Premises and in the opinion of Council the general intent and purpose of the by-law is maintained. The decision of Council regarding the variance application, shall be final and binding.

- 7.3. The Registrant Issuer shall notify the Applicant/Registrant of what action is being taken under the authority of section 7.1 or section 7.2 within thirty (30) days of the determination of said action.
- 7.4. The Registrant Issuer, upon confirming a registrant has received an emergency order issued under section 8.4 of this By-law, may, for the time and such conditions as are considered appropriate, suspend a registration for not more than 14 days. If after this period, the Registrant Issuer is satisfied that the continuation of registration will continue to pose a danger to the health or safety of any Person, they may further suspend for not more than 14 days or revoke a Licence.

8. ORDERS – GROUNDS FOR ISSUANCE

- 8.1. Where an Officer has reasonable grounds to believe that a contravention of the by-law has occurred, the Officer may serve an order on the Registrant setting out the reasonable particulars of the contravention and directing:
 - a) compliance within a specified period of time;
 - b) any work that is required to be done. In the event of a default of such work being done, the Officer may direct work to be done at the Registrant's expense, and the Town may recover the expense in the same manner as municipal taxes; or
 - c) the activity be discontinued.
- 8.2. An order under this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.

- 8.3. Service of any notice or order to an Owner/Agent, directing the Owner/Agent to bring the Premises into compliance, shall be carried out under the provisions in section 15 of this By-law.
- 8.4. When an Officer deems a violation under this By-law to pose an immediate risk to health or public safety, the provisions in section 15 may be waived and an emergency order shall be issued and may posted on the property requiring immediate action or other remediation. The Owner/Agent shall comply with an emergency order within the period specified on the emergency order.
- 8.5. Where an Officer has placed or caused the placing of a placard containing the terms of an order upon the Premises under the authority of the Building Code Act or provisions within this By-law, no Person shall remove such placard except with the consent of the Officer who issued the order.
- 8.6. Once served upon an Owner/Agent in accordance with sections of this By-law, an order shall remain in effect on a Premises until the order has been complied with or for the duration of the calendar year.
- 8.7. Every person shall comply with an Order issued by an Officer.

9. GROUNDS FOR APPEAL – Registration & ORDERS

- 9.1. Where the Registrant Issuer has denied an Applicant a Registration, a renewal of a Registration, or has suspended or revoked Registration, the Registrant Issuer shall inform the Applicant or Registrant by way of written notice setting forth the grounds for the decision with reasonable particulars and shall advise of the right to appeal such decision to the Township Clerk.
- 9.2. Any Owner/Agent or Register who has been served with an order and who is not satisfied with the terms or conditions of the order, may appeal to the Township of Georgian Bay within fifteen (15) days after being served with the order, by:
 - a) sending a notice of appeal, setting forth the reasons for the appeal, by registered mail to the Township Clerk; or
 - b) in Person to the Township Clerk to set forth reasons for the appeal and to request an appeal date; and

- 9.3. If an emergency order is issued on a Premises to an Owner/Agent, the appeal process in section 9.2 shall not apply.
- 9.4. Where no request for an appeal is received in accordance with subsection 9.2, the decision of the Register Issuer shall be final and binding.
- 9.5. Where a request for an appeal is received, the request will be added to the agenda of the next available Council meeting, and the Applicant or Register shall be provided reasonable written notice thereof.
- 9.6. If the Owner/Agent fails to appear at the appointed time for their request to appeal, the order shall be final and binding.
- 9.7. After such opportunity to be heard is afforded the Person, Council shall make a decision. When making its decision Council may consider any matter pertaining to this By-law, or other matter that relates to the general welfare, health or safety of the public. When making its decision, Council may refuse to issue or renew a Registration, revoke, suspend, or impose any condition to a Registration. Council's decision is final and binding and shall not be subject to review.
- 9.8. Where Council conducts a hearing, the rules set out in the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 ("Statutory Powers Procedure Act") shall apply.

10. ENTRY AND INSPECTION

- 10.1. The Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) may at reasonable times, enter upon land, Premises, Buildings, or place where a Registration has been issued under this By-law, for the purposes of carrying out an inspection, taking photographs and obtaining evidence to determine compliance to this By-law.
- 10.2. Every Person shall permit the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) to inspect any land for the purposes of determining compliance with this By-law.
- 10.3. The Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) may enter upon lands at any

reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this By-law.

- 10.4. The Township's power of entry may be exercised by an Officer, or Agent for the Township and this Person may be accompanied by any Person under their direction, including Law Enforcement Services.
- 10.5. During any inspection carried out under this By-law, an Officer may be accompanied by other Township of Georgian Bay employees, Agents or authorities as deemed necessary.
- 10.6. The Township may undertake an inspection pursuant to an order issued under provisions of this By-law or Section 438 of the *Municipal Act*.
- 10.7. During an inspection to ensure compliance of this by-law, if an officer or agent observes any further issues, the owner shall ensure compliance with the following where applicable:
 - a) provisions of this By-law;
 - b) Ontario Building Code Act, 1992, S.O. 1992 c.23; ("Building Code Act")
 - c) Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 ("Fire Protection and Prevention Act")
 - d) Electricity Act, 1998, S.O. 1998, c. 15, Sched. A ("Electricity Act")
 - e) Applicable Zoning By-law;
 - f) any other municipal by-laws or provincial legislation.

11. PROHIBITIONS

- 11.1. No Person shall use or operate any Short-term Rental Dwelling unless they hold a current Registration issued pursuant to this By-law.
- 11.2. No Person shall advertise a Short-term Rental without a municipal issued Registration number.

- 11.3. No Person shall use or operate any Short-term Rental Premises for Commercial activities.
- 11.4. No Person shall provide false information on an application form to apply for a Short-term Rental Application.
- 11.5. No Person shall allow a Premises under their Ownership or care and control to be operated in contravention of the Registration that has been approved.
- 11.6. No Person shall allow a Premises under their Ownership or care and control to be operated in contravention of the Site plan that has been approved.
- 11.7. No Register shall rent any guest room in a Short-term Rental Dwelling other than a guest room that was identified and approved with the Application for the Short-term Rental Registration.
- 11.8. No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule 'A' to this By-law.

12. OBSTRUCTION

- 12.1. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this By-law.
- 12.2. No Person, who has been alleged to have contravened any of the provisions of this By-law, shall fail to identify themselves to the Chief Building Official, By-law Enforcement Officer, Chief Fire Official or their designate(s) upon request.

13. PENALTIES

- 13.1. Every Person who contravenes any provision of this By-law is guilty of an offence pursuant to the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, as amended, and upon conviction, a Person is liable to a fine of not more than \$5,000, exclusive of costs.
- 13.2. Every person who contravenes a provision of this By-law shall, upon the issuing of a Penalty Notice under the Administrative

Monetary Penalty System By-law, be liable to pay the Township an Administrative Monetary Penalty in the amount set out in the Administrative Monetary Penalty System By-law.

- 13.3. Each day a contravention occurs constitutes a new offence.
- 13.4. Every Person, other than a company who contravenes any provision of this By-law, and every director of a Corporation who knowingly concurs in such contravention by the Corporation, is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.
- 13.5. Where a Corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 13.6. Where a Person has been convicted for an offence under this By-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the Person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the Person convicted directed toward the continuation or repetition of the offence.

14. COLLECTION OF UNPAID FINES

- 14.1. Pursuant to Section 441 of the Municipal Act, if any part of a fine for a contravention of this By-law remains unpaid after the fine becomes due and payable under Section 66 of the Provincial Offences Act, R.S.O. 1990, c P.33, including any extension of time for payment ordered under that Section, the Register Issuer may give the Person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the Owner's tax roll and collected in the same manner as Property taxes.

15. SERVICE OF DOCUMENTS

- 15.1. The Municipality may serve any document under this By-law, within thirty (30) days of becoming aware of the alleged offence,

personally to the Person named on the notice, by registered or regular mail addressed to the Person to whom the document is to be given at the Person's last known address, and by email transmission to the Registers email address given with the most recent application received by the Township.

- 15.2. Service by registered or regular mail under subsection 15.1 shall be deemed to have been made on the fifth day after the day of mailing.
- 15.3. A Person's last known address includes the address provided by the Person to the Municipality as identified in the property tax file.

16. SEVERABILITY

- 16.1. If a Court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the by-law and it is hereby declared that the remainder of the by-law shall be valid and shall remain in force.
- 16.2. The Clerk is authorized to make changes to this By-law after enactment by Council to correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.

17. SCHEDULES

- 17.1. The schedules attached to this By-law form part of this By-law.

18. SHORT TITLE

- 18.1. This By-law shall be known as the "Short Term Rental Registration By-law".

19. TOWNSHIP NOT LIABLE

- 19.1. The Township assumes no liability for property damage or Personal injury resulting from remedial action or remedial work undertaken with respect to any Person or property that is subject of this By-law.

This By-law shall come into full force and effect as of January 1, 2024, at which time all By-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.

READ AND ENACTED in Open Council this day of 2023.

PETER KOETSIER, MAYOR

KAREN WAY, CLERK

Schedule 'A'
Renter's Code of Conduct

Purpose of this Code of Conduct

1. Maximizes the enjoyment of all properties in the Township of Georgian Bay.
2. Ensures the safe operation of short-term rental premises.
3. Acknowledges that the Township of Georgian Bay residents have the right to enjoy their properties without nuisance.
4. Establishes acceptable standards of behaviour for short-term rental renter(s).
5. Defines requirements for renter accountabilities for a short-term rental premises.

Owners Acknowledgement of Short-Term Rental Use

1. The owner acknowledges that a valid Short-Term Rental Registration shall be posted in a conspicuous place.
2. The owner acknowledges that the following information is to be provided on the premises:
 - a. Premises address (and phone number if applicable)
 - b. Type of access to the STR Premises:
 - i. Year-round maintained public road
 - ii. Seasonally maintained road
 - iii. Private road / Right-of-way
 - iv. Water access
 - c. If the type of access to the STR premises is NOT a year-round maintained public road, the following Emergency Services Statement will be posted within the address:
"Due to this STR Premises not being accessible by a year-round maintained public road, emergency response times may be delayed to this location."
 - d. Owner name and contact information

- e. STR responsible person for emergency and by-law concerns (if different than owner contact information).
- f. Copy of approved site plan, floor plan, parking plan, waste management, and sustainability plan.
- g. A copy of the Renters Code of Conduct, to be signed by each renter upon arrival.
- h. QR code (provided on Township's Short-Term Rental webpage) which will navigate renter to Township website of frequently requested by-laws.

Renters Acknowledgement of Short-Term Rental Use

1. The renter acknowledges that they have observed and reviewed all the information posted and displayed by the owner as per the owner's Acknowledgment of Short-term Rental Use.
2. The renter acknowledges that their actions, if in contravention of any municipal by-law, may result in a complaint against the owner of the premises and may cause the owners' Short-Term Rental Registration to be suspended, revoked, and/or not renewed.
3. The renter acknowledges that continued non-compliance with any by-law may result in enforcement measures being taken against themselves and/or the owner.
4. Review the following on the Township's website through the QR code provided in the premise:
 - a. Noise By-law
 - b. Animal Control By-law
 - c. Parking By-law
 - d. Burning By-law
 - e. Clean Yard By-law
 - f. Fireworks By-law

Township of Georgian Bay Short-Term Rental By-law





Overview

- The Township is moving forward with short-term rental registration. The purpose is to allow the Township to confirm which properties are operating within the Township. This will allow for the effective dealing of both the operators and renters while ensuring all regulations set out in the by-law and other municipal by-laws are being complied with.
- The following information will be covered:
 - Public meeting summaries
 - By-law application process
 - External monitoring company – Granicus
 - General provisions
 - Registration requirements
 - Registration suspensions and orders
 - Penalties
 - How this By-law meets the Strategic Plan set out by Council



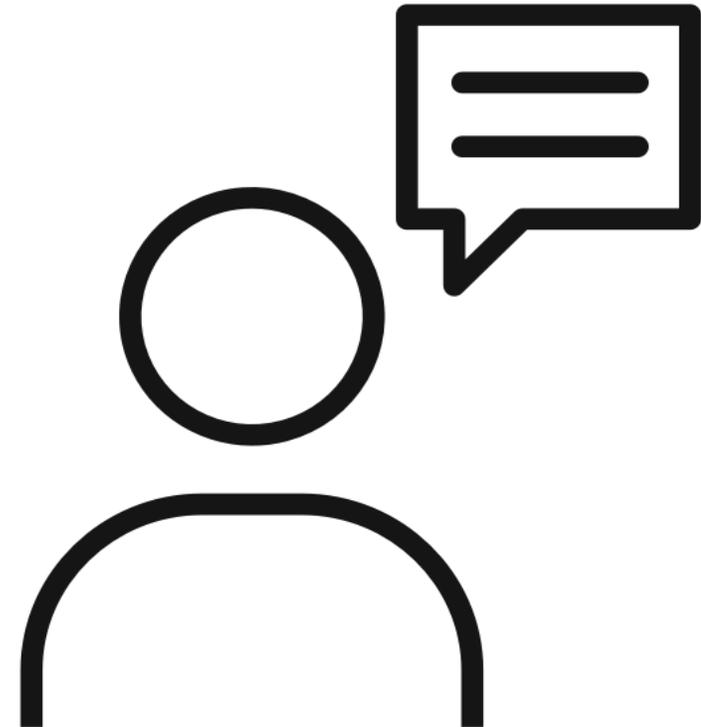


Public Meeting Summaries

The Township hosted Town Hall meetings in September to hear from residents on their thoughts about moving forward with short-term rental registration.

The most common questions/comments raised where:

1. The complaints coming forward were minimal and we should seek out these short-term rentals, not all of them.
2. Too much effort into a project where by-laws are already in place that can be enforced.
3. Short-term rentals are a business and should be treated accordingly.
4. By-law officers with the proposed by-law can now hold the owners and renters accountable.





By-law Application Process

311 Customer Portal

- Residents will begin registering using an online portal where all documentation is fillable and submitted to Township staff.

TownSuites

- Township staff will review applications and contact property owner for any missed information.
- Once application is complete, permit will be auto populated and send to property owner and Granicus.

Granicus

- Granicus to update compliance monitoring.

Monthly status report

Report for Georgian Bay, ON (Georgian Bay, ON) generated on October 2, 2023.

279

Properties in or near Georgian Bay, ON

3

Properties in or near Georgian Bay, ON with address identified

0

Compliant Short Term Rentals

0

Non-compliant properties

279

Properties with unknown compliance

Granicus



ADDRESS IDENTIFICATION

Ongoing monitoring of 60+ short-term rental websites. Ongoing monitoring of all listings in your jurisdiction:

- Updating listing activity and details every 3-5 days
- Screenshot activity of every listing
- Deduplication of listings into unique rental units
- Activity dashboard and map to monitor trends and breakdown of compliance

RENTAL ACTIVITY MONITORING

- Sends estimated occupancy and rental revenue for each property based on machine learning modules unique to govService host compliance.
- Automatically identify audit candidates who are under-reporting on taxes or exceeding occupancy regulations.

COMPLIANCE MONITORING

Compliance monitoring provides up-to-date information for each identified rental unit and its compliance status. Allow team to send letters to noncompliant properties 24/7:

- Configure letter templates with Township branding and letterhead
- Add as many letter sequences as needed for escalation
- Monitor properties that become compliant after letter enforcement

MOBILE PERMITTING & REGISTRATION

Mobile-enabled online forms and back-end systems for streamlining the registration and permitting process.

24/7 HOTLINE – COMING SOON

Make it easy for neighbors to report, prove, and resolve non-emergency short-term rental related problems in real-time, any day, at any hour.



General Provisions – Section 3

- Short-term rental dwellings shall comply with all applicable municipal by-laws and provincial legislation.
- Maximum number of persons shall be restricted to 2 persons per sleeping area.
- Parking plan must include minimum of 1 space per living area which is part of a hard-surfaced driveway.
- ABC fire extinguisher in cooking area and BC level extinguisher on every other floor (if applicable).
- Owner or responsible person must respond to Township staff within 60 minutes of emergency.

- The following will be posted inside each premise:

- Copy of STR Registration (with occupancy limit).
- Address of premise.
- Guest Log.
- Type of access to STR (i.e. maintained public road or private road).
- Owner name and responsible person contact information.
- Emergency services statement.
- Approved site plan, floor plan, parking plan, waste management, and sustainability plan.
- Renters Code of Conduct.
- QR code to frequently requested by-laws.



Registration Requirements Pt.2

Payment

- Light rental host (20 days or less) - \$250 per year
- Light rental host (20 days or less) with approved sustainability plan - \$225 per year
- Regular rental host (21 days or more) - \$1000 per year
- Regular rental host (21days or more) with approved sustainability plan - \$900 per year

Issued Registration

- Valid for 1 year or until sale/transfer of property.
- Owner must make Township aware of any changes to application within 7 days.

Registration Requirements



A completed application will have the following:

- Proof of ownership (applicant must be 18 years of age or order).
- Responsible person for premise (if different than owner).
- Proof of insurance.
- If corporation is operating STR, submit proof that they are legally entitled to conduct business.
- Recent septic pump out/inspection.
- Site plan including location of all buildings and structures.
- Floor plans of interior of building.
- Parking management plan.
- Waste storage location.
- Sustainability plan.



Sustainability Plan

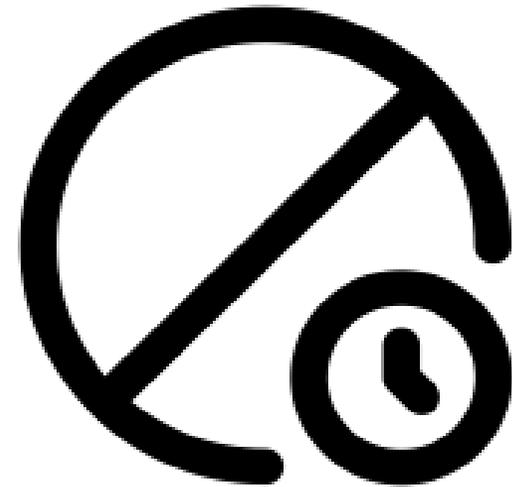


- What will be included?
- Checklist format will address efforts to:
 - Reduce carbon footprint
 - Planting trees/pollinator gardens
 - Managing food waste
 - Reduce energy consumption
 - Unlock thermostat
 - Improve insulation/windows/doors
 - Promote local culture
 - Purchase local
 - Support Indigenous knowledge
- How will it be enforced
 - Completion of carbon calculator
 - Shown reduction in energy bills
 - Receipts from tree plantings
 - Language in the listing about sustainable efforts.
 - Pictures of sustainable efforts in the listing.
- Of note, listings who have accreditation for sustainable efforts will have their accreditation recognized as a plan.



Registration Revocation/Suspension

- The Registrant Issuer shall have the authority to refuse to issue or renew registration, and revoke or suspend a registration.
- Upon an application to Council, Council can authorize an exemption to this By-law in respect to the owner's premises if they deem it to be an appropriate use for this specific case.





Orders Issued for Short-Term Rentals

- Where an Officer has reasonable grounds to believe that a contravention of the By-law has occurred, the Officer may serve an order on the registrant setting out the reasonable particulars of the contravention and directing:
 - Compliance in specified time.
 - Any work to be required to be done.
 - Activity to be discontinued.
- Any owner/agent or register who has been served with an order and who is not satisfied with the terms or conditions of the order, may appeal to the Township of Georgian Bay within fifteen (15) days after being served with the order.
 - Will NOT apply to emergency orders.
 - If no request is completed in 15 days, decision is final and binding.



Penalties (AMPS + POA)

- With the implementation of our Administrative Monetary Penalties By-law, the Township will be primarily using this system to fine property owners and renters not following the provisions of the Short-Term Rental By-law.
 - If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes pursuant to Section 351 of the Municipal Act and may be added to the owner's tax roll and collected in the same manner as property taxes.
- Provincial Offences will be used for serious instances with a summons to appear in court to escalate fines and for closure orders.



Penalties (AMPS + POA)



- AMPS offences will be increasing per offence:
 - 1st offence - \$500
 - 2nd offence - \$1000
 - 3rd offence and beyond - \$1500

*AMPS offences mentioned above will only be for Short-Term Rental violations! Other by-law violations pertaining to short-term rental renters (i.e., Animal control, Noise) will be dealt with accordingly through the respective by-laws.



Alignment with Strategic Pillars

As Township staff has been working diligently on this project, the strategic pillars set out by Council have been recognized and followed.

ENVIRONMENTAL PROTECTION

- Ensuring compliance with septic systems.
- Noise pollution will be able to be enforced through host and renters.
- Waste management plan to ensure garbage is accounted for.
- Sustainability plan to be submitted to ensure that hosts plan to reduce energy, food waste, and more.

FISCAL RESPONSIBILITIES AND TECHNOLOGY EFFICIENCIES

- Online application process will eliminate paper exchange and be easy to submit.
- Services provided by Granicus will free up staff time for other duties related to short-term rentals and by-laws.
- Ability to monitor and focus on tracking short-term rentals statistics directly.

CUSTOMER EXPERIENCE AND COMMUNITY ENGAGEMENT

- 24/7 monitoring by Granicus will provide residents with option to easily log short-term rental complaints that will be submitted directly to Township staff.
- Staff consulted with residents in Town Hall meetings to get feedback on processes being taken.

Questions & Comments?

